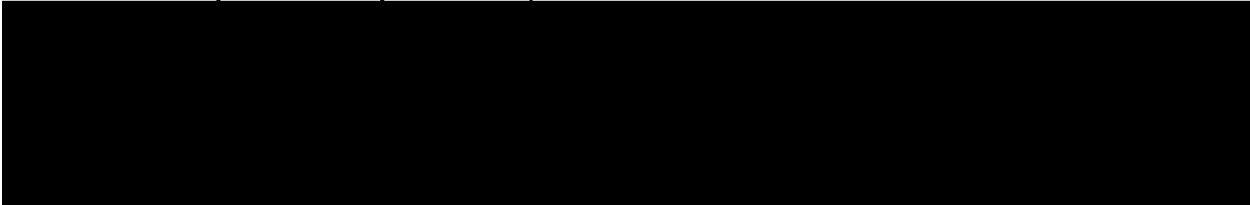


To: Mogharabi, Nahal[MOGHARABI.NAHAL@EPA.GOV]
Cc: Wedell, Kelly[Wedell.Kelly@epa.gov]; Huetteman, Tom[Huetteman.Tom@epa.gov]; Gross, Barbara[Gross.Barbara@epa.gov]
From: Jones, Joel E.
Sent: Tue 3/10/2015 5:55:18 PM
Subject: Re: LAT: State Senate leader urges regulators to close Exide plant in Vernon

Very nice, thanks.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.



FYI. Our NOV is referenced.

State Senate leader urges regulators to close Exide plant in Vernon

By Tony Barboza, March 10, 2015

California's senate leader is demanding that state regulators immediately close and begin cleaning up an embattled Vernon battery recycling plant that has spewed lead and arsenic into surrounding neighborhoods over decades of operation..

In a letter sent Friday, Senate President Pro Tem Kevin de León (D-Los Angeles) urged the state Department of Toxic Substances Control "in the strongest terms" to deny a full permit to Exide Technologies.

The state has allowed the plant — which has been idle since March 2014 because it could not comply with air quality rules — to operate for more than three decades under "interim status." The toxic substances department is now deciding whether to issue Exide a full permit. A new state law requires the department to either grant the company a permit or shut the facility down by the end of the year. Officials expect a decision within a few months.

De León's demand comes amid reports of new environmental violations at the plant, located about five miles southeast of downtown Los Angeles.

The U.S. Environmental Protection Agency last week cited Exide for four new violations of the federal Clean Air Act, according to documents the agency released Monday. Exide did not keep adequate records on some of its equipment and lacked proper operating procedures to prevent the release of lead dust, according to a March 5 violation notice from the EPA.

The plant has for decades run afoul of environmental regulations. Local, state and federal officials have cited Exide for emitting too much lead and arsenic and for violating hazardous waste laws, even after it suspended operations last year to upgrade its pollution controls.

An Exide spokeswoman declined to comment on De León's letter and the EPA citations.

An inspection by the state toxic substances department in January uncovered eight violations at the facility, including improper storage and treatment of contaminated sludge. Inspectors also found holes in the facility's walls and roof.

Since January, De León's letter said, "still newer and potentially even more serious violations have come to light that the department has not acted on," including some that may affect the structural soundness of the facility. The letter said De León's staff was told of those additional violations in a recent meeting with the California Environmental Protection Agency and the Department of Toxic Substances Control.

"There is no reason why this facility should continue to operate," De León wrote.

In a statement, officials with the state toxic substances department said they received De León's letter and, "are taking the concerns he raised very seriously as we review Exide's application for a permit and will make a decision on the application in the near future."

The latest EPA citations against Exide stem from an investigation that includes the agency's Criminal Enforcement Division. The agency last cited Exide in May 2014 for excessive lead emissions.

In August, Exide received a subpoena from a federal grand jury in connection with a criminal investigation of its Vernon plant, involving air emissions and the handling of hazardous waste.

The plant has been the focus of community outrage since a 2013 report found that Exide's arsenic emissions posed an increased cancer risk to 110,000 people who live near the facility. The plant, one of only two lead-acid battery smelters west of the Rocky Mountains, recycles used batteries and lead scrap into raw materials for new batteries.

Under a deal reached last year with state regulators, Exide is paying to clean nearby homes and yards contaminated by its lead emissions. The company is also required to set aside \$38.6 million over the next 10 years to clean up the facility should it close.

The state Senate's Environmental Quality and Budget committees have scheduled a joint hearing for Thursday that is expected to focus on the department's oversight of Exide and the status of reforms to its permitting and enforcement programs.

<http://www.latimes.com/science/la-me-exide-violations-20150310-story.html>

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